**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001   )   No. 03 MDL 1570 (RCC)
)   ECF Case

_____)

This document relates to:

       ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977;
       BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No.
              03-CV-5738;
       BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No.
              03-CV-9849;
       CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-
              CV-05970;
       EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et
              al.*, Case No. 04-CV-07279;
       FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;
       NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-
              CV-6105;
       TREMSKY, *et al.* v. OSAMA BIN LADEN, *et al.*, Case No. 02-CV-7300; and
       WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND
              DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**SAUDI ARABIAN RED CRESCENT SOCIETY'S
AND
DR. ABDUL RAHMAN AL SWAILEM'S
RESPONSE TO PLAINTIFFS' CONSOLIDATED COMPLAINTS**

Defendants Saudi Arabian Red Crescent Society ("Saudi Red Crescent") and Dr. Abdul

Rahman Al Swailem, by and through undersigned counsel, respectfully submit their response to

the plaintiffs' "consolidated" complaints. Defendants' motions to dismiss the *Ashton, Burnett I,*

Burnett II, Continental Casualty, Euro Brokers, Federal Insurance, New York Marine, Tremsky,

and *WTC Properties* complaints are fully briefed.

    Subsequently, on September 30, 2005, these plaintiffs filed their "consolidated"

complaints, which merely consisted of their complaints supplemented by a total of 132 RICO

Statements and Rule 12(e) More Definite Statements (however, the *Tremsky* plaintiffs did not

file anything). However, with one exception, none of these supplemental filings has any new allegations about these two defendants that have not already been addressed in their motions to dismiss.

The only exception is that the *Euro Brokers, Federal Insurance,* and *WTC Properties* plaintiffs, in their RICO or Rule 12(e) statements as to defendant World Assembly of Muslim Youth, state that the Saudi Red Crescent was a member of the Islamic Coordination Council, which plaintiffs allege supported the mujahedin in Afghanistan. See *Federal Insurance*, RICO Statement (Docket No. 594); *Euro Brokers*, More Definite Statement (Docket No. 1165); *WTC Properties*, More Definite Statement (Docket No. 1166); *Federal Insurance*, Consolidated Complaint, at ¶ 162. However, the "Islamic Coordination Council" is not even named as a defendant in any of the lawsuits consolidated before this Court, so plaintiffs' allegations as to that entity have no basis for their claims as to the Saudi Red Crescent and Dr. Al Swailem. Indeed, the plaintiffs, in their own RICO or 12(e) statements as to the Saudi Red Crescent (Docket Nos. 1212 and 1324), make *no* mention of the "Islamic Coordination Council," thereby confirming that plaintiffs do not consider that entity to have any relevance for their claims as to the Saudi Red Crescent.

Therefore, the Saudi Red Crescent and Dr. Al Swailem request that this Court consider their fully briefed motions to dismiss in *Burnett I*, No. 99 (April 9, 2004) and No. 364 (July 30, 2004), and in the remaining cases, Nos. 1174-1176 (Sept. 6, 2005) and No. 1270 (Sept. 26, 2005), as their response to the plaintiffs' "consolidated" complaints.

Respectfully submitted,

/s/ Lynne Bernabei

Lynne Bernabei, Esquire (LB2489)
Alan R. Kabat, Esquire (AK7194)
Bernabei & Katz, PLLC
1773 T Street, N.W.
Washington, D.C. 20009-7139
(202) 745-1942

Attorneys for Defendants
  Saudi Arabian Red Crescent Society
  and Dr. Abdul Rahman Al Swailem

DATED: October 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2005, I caused the foregoing to be served

electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant

to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

Alan R. Kabat

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